



U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

File: SRC 98 157 50484 Office: Texas Service Center Date:

APR 12 2000

IN RE: Petitioner:
Applicant:

Application: Application for Extension of Stay Pursuant to 8 C.F.R. 214.1(c)(1)

IN BEHALF OF APPLICANT:

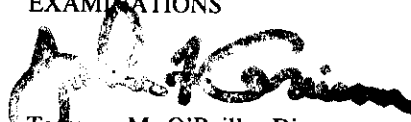
Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Notwithstanding to
prevent clearly unwarranted
invasion of personal privacy


Terrence M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The petition for a nonimmigrant worker was filed as an application for an extension of the applicant's temporary stay in the United States as an E-2 Treaty Investor pursuant to 8 C.F.R. 214.1(c)(1).

The petition was denied by the Director, Texas Service Center, who incorrectly advised the applicant that the decision could be appealed to the Associate Commissioner for Examinations. The petitioner subsequently filed an appeal. The appeal will be rejected.

The regulation at 8 C.F.R. 214.1(c)(5) states:

Decision in Form I-129 or I-539 extension proceedings.
Where an applicant or petitioner demonstrates eligibility for a requested extension, it may be granted at the discretion of the Service. There is no appeal from the denial of an application for extension of stay filed on Form I-129 or I-539.

ORDER: The appeal is rejected.